

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received.

Drawings:

Applicant also thanks the Examiner for indicating that the drawings filed on October 19, 2000 have been accepted.

Allowable Subject Matter:

Applicant also sincerely thanks the Examiner for indicating that although claims 8 and 11 have been objected to, these claims would be allowable if written in independent form.

Claim Rejections:

Claims 1-16 are all of the claims pending in the present application, and currently claims 1-7, 10 and 14-16 stand rejected.

35 U.S.C. § 112, 2nd Paragraph Rejection - Claim 2:

Claim 2 stands rejected under 35 U.S.C. § 112, 2nd paragraph as containing similar subject matter as that set forth in claim 2. Applicant has canceled claim 2, without prejudice or disclaimer.

35 U.S.C. § 102(e) Rejection - Claims 1 and 3:

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the previously applied Gettig reference. In view of the following discussion, Applicant respectfully traverses the above rejection.

In using the Gettig reference, the Examiner is arguing that the portion 54 and the portion 66 (shown in Figure 8) are formed “integrally” with each other because they are simply secured to each other. However, even if the Examiner’s comment is taken as true, Applicant submits that the Gettig device fails to disclose each and every feature of the claimed invention.

Specifically, unlike the present invention, the portion 66 is positioned directly over the portion 54, such that each of these portions lie within the same planes of movement. Simply put, the portions 54 and 66 are on top of each other, as opposed to being adjacent to each other.

In the present invention, the branches are positioned side-by-side, as shown in the non-limiting embodiment of Figure 2. This is neither taught nor disclosed in the Gettig reference. Specifically, Gettig fails to disclose “a spring contact, wherein [the] spring contact is substantially U-shaped and has first and second branches, which are formed parallel to each other such that [the] first branch is movable in a first plane and [the] second branch is movable in a second plane, where [the] first and second planes are parallel to each other and where no portion of [the] first branch intersects with [the] second plane and no portion of [the] second branch intersects with [the] first plane.” Claim 1. This is not disclosed in the Gettig reference, where the “branches”, identified by the Examiner, are movable within the same planes.

In view of the foregoing, Applicant submits that Gettig fails to disclose each and every element of the claimed invention, in particular the claimed etching adjustment layer. Therefore, Gettig fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102(e). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the 35 U.S.C. § 102(e) rejection of the above claims.

35 U.S.C. § 102(e) Rejection - Claims 1, 3-5, 7 and 14-16:

Claims 1, 3-5, 7 and 14-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the previously applied McKee reference. In view of the following discussion, Applicant respectfully traverses the above rejection.

With regard to the McKee reference, Applicant again submits that the McKee reference fails to disclose the present invention for the same reasons as set forth previously. Namely, the branches do not lie in two diverging planes where they intersect the base, in the McKee device.

As an initial matter, Applicant submits that the Examiner's rejection of claims 5 and 7 remains fatally flawed. With regard to claims 5 and 7, the Examiner still asserts that the "housing" set forth in the claims is disclosed within the disclosure of McKee. *See* Office Action, page 4. The Examiner states (on page 4 of the Office Action) that the "housing is disclosed in the specification of McKee at Column 3, lines 65-67."

However, McKee only states that the "connector element 1 [] may be inserted within an insulating body (not shown) in a casual fashion and always come to rest in a position that allows contact elements 3 and 4 to protrude beyond the wall of the insulating body..." *See* McKee, col. 3, lines 65-69. Even if Applicant presumes, *arguendo*, that this language sufficiently discloses a

“housing,” there is no disclosure of “at least one housing for receiving a spring contact and *opening onto both of said first and second faces*” as set forth in claim 5. (Emphasis Added)
Applicant submits that because there is no express disclosure of the structure of the “housing,” the above specific feature of the claimed housing is not, and can not be, disclosed, in any way.

Stated differently, even it is assumed that a housing is disclosed, there is no specific structure of the housing shown or discussed. As such, there is no sufficient disclosure to indicate that the specific aspects of the claimed housing is shown.

If the Examiner continues to assert that McKee discloses the claimed housing, Applicant hereby respectfully requests the Examiner demonstrate where in McKee the above claimed aspect of the housing is disclosed. Specifically, Applicant hereby requests the Examiner identify where McKee discloses, either expressly or inherently, a housing which opens “onto both of said first and second faces” as set forth in claim 5. (Emphasis Added)

Moreover, the Examiner is asserting that the arms 16 and 20’, shown in the attachments, are the “first” and “second” branches of the present invention. However, Applicant notes that these arms are not “substantially “U”-shaped but are, in fact, substantially “L” shaped. Further, these braches are not parallel to each other, as the planes in which they lie intersect each other at a 90 degree angle. Applicant submits that the Examiner can not construe an “L” shaped component as being substantially “U” shaped. Therefore, Applicant respectfully submits that the claims 5 and 7 are not disclosed in McKee.

With regard to claims 14-16, Applicant also notes that the branches 16 and 20’ are not substantially “U” shaped. Thus, there is also no disclosure of these claims.

Therefore, in view of the foregoing, McKee fails to anticipate any of claims 5, 7 and 14-16.

With regard to claims 1 and 3, Applicant notes that the Examiner has set forth two different rejections of these claims with the McKee reference. See both pages 2 and 3 of the Office Action dated March 25, 2005. Each will be discussed in turn.

In the first argument, the Examiner indicates that branches 20 and 20' of the McKee reference correspond to the "branches" of the present invention. However, as Applicant has previously noted there is no disclosure that the "first and second branches lie in two diverging planes" as set forth in claim 1. As shown in the Examiner's Attachment 2, of the Office Action, the two branches 20' and 21' are coplanar with the base 13, at the time that they intersect with the base 13. This is different from the claimed invention. Accordingly, Applicant submits that McKee fails to disclose each and every feature of claim 1. There is no disclose of diverging planes where they intersect the base.

Thus, assuming the base is item 13, the branches 20' and 21' are not diverging when they intersect the base. They are simply coplanar.

Furthermore, if the Examiner is alleging that the non-angled portions of the branches (identified as portion "B" in the Examiner's attachment) are part of the "base" then at least one of the branches 20' or 21' are not co-planar with the base. Therefore, no matter which interpretation is used by the Examiner, McKee fails to anticipate the claimed invention.

If the Examiner maintains the present rejection on the basis set forth above, Applicant hereby requests the Examiner show how this feature is disclosed in McKee.

Second, the Examiner alternatively alleges that the portions 16 and 20' are the "branches" of the present invention. Again, as discussed above, Applicant submits that their configuration is substantially "L," and is not substantially "U" shaped, or formed parallel to each other. Additionally, the branches 16 and 20' do not lie in two diverging planes with respect to each other at the base, and are both co-planer with the base.

In view of the foregoing, Applicant submits that McKee fails to disclose each and every feature of the claims 1, 3-5, 7 and 14-16. Therefore, McKee fails to anticipate the rejected claims as required under the provisions of 35 U.S.C. § 102(e). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of these claims.

35 U.S.C. § 103(a) Rejection - Claims 6-7 and 10:

Claims 6-7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McKee in view of Derr. However, as these claims depend on claim 5, and because Derr fails to cure the deficient teachings of McKee, Applicant submits that these claims are also allowable, at least by reason of their dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.116
Application Number: 09/673,614

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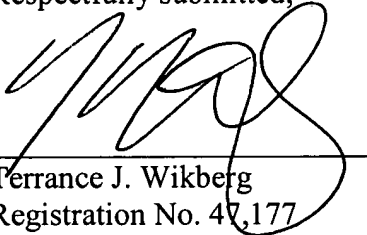
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